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September 1, 2020

**Via Email and ECF**

The Honorable Sarah Netburn  
United States Magistrate Judge  
Thurgood Marshall Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

Re: *Rich v. Fox News Network LLC et al.*, No. 18-cv-2223

Dear Judge Netburn,

We write seeking the Court's assistance regarding Defendant Butowsky's document discovery.

In the Parties' Joint Letter dated August 7, 2020 (D.I. 175), Plaintiffs and Defendants Fox and Zimmerman agreed to abide by the interim deadline of August 26, 2020, to complete their respective productions of documents. Defendant Butowsky did not agree to that interim deadline, and Plaintiffs objected to Mr. Butowsky's position.

Although Mr. Butowsky originally agree to make a substantial production of documents by July 31, 2020, and then represented that Plaintiffs would get a production the following week, Mr. Butowsky has produced zero documents in this case and refuses even to give Plaintiffs a deadline of when he will complete (or begin) his production of documents. While Plaintiffs are cognizant that Mr. Butowsky has had health issues, his failure to produce a single document is remarkable considering the vintage of this case, the length of time that Mr. Butowsky has had counsel retained, and Mr. Butowsky's vigorous engagement with litigation in other courts and his continued antagonization of Joel and Mary Rich via social media. On August 17, 2020, for example, Mr. Butowsky published a tweet stating:

You should look a lot deeper into this before you assume the Rich family is so distraught due to Fox News. It's all made up.

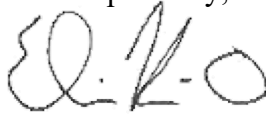
See <https://twitter.com/EdButowsky/status/1295534694906433538>.

The deadline to submit expert reports is November 13, 2020, and many depositions need to occur before that date so the experts may consider relevant deposition testimony. Plaintiffs therefore respectfully request that the Court schedule a conference to discuss deadlines for Mr. Butowsky's compliance with his document discovery obligations in this case.

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Respectfully,

A handwritten signature in black ink, appearing to read "E.J. Kay-Oliphant". The signature is stylized with a large "E" and "J" and a distinct "O" at the end.

Eli J. Kay-Oliphant

*Counsel for Joel & Mary Rich*